

Introduced by Senator Wiener

(Principal coauthors: Assembly Members Chiu and Kalra)

(Coauthors: Assembly Members Bloom and Friedman)

February 17, 2017

An act to amend Sections 14526.4, 14526.5, and 14526.6 of, and to add Sections 14007.3, 14033, and 14526.7 to, the Government Code, and to amend Section 167 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 760, as introduced, Wiener. Transportation funding: active transportation: complete streets.

(1) Existing law establishes the Active Transportation Program in the Department of Transportation for the purpose of encouraging increased use of active modes of transportation, such as biking and walking, and declares the intent of the Legislature that the program achieve specific goals, including, among other things, increasing the proportion of trips accomplished by biking and walking and the safety and mobility for nonmotorized users.

This bill would establish a Division of Active Transportation within the department and require that an undersecretary of the Transportation Agency be assigned to give attention to active transportation program matters to guide progress toward meeting the department's active transportation program goals and objectives. The bill would require the California Transportation Commission to give high priority to increasing safety for pedestrians and bicyclists and to the implementation of bicycle and pedestrian facilities. The bill would require, on or before January 1, 2018, the department to update the Highway Design Manual to

incorporate the “complete streets” design concept, including, but not limited to, a specified guidance for selection of bicycle facilities.

(2) Existing law provides that the Department of Transportation has full possession and control over the highways of the state and is responsible for preparing the State Highway Operation and Protection Program for the expenditure of transportation funds for major capital improvements that are necessary to preserve and protect the state highway system.

Existing law also creates the California Transportation Commission, with specified powers and duties relative to the programming of transportation capital improvement projects and the allocation of state transportation funds for state transportation improvement projects. Existing law requires the department, in consultation with the commission, to prepare an asset management plan to guide selection of projects for the State Highway Operation and Protection Program consistent with any applicable state and federal requirements. Existing law requires the commission, in connection with the asset management plan, to adopt targets and performance measures reflecting state transportation goals and objectives.

This bill would require the asset management plan to prescribe a process for community input and complete streets implementation to prioritize safety and accessibility for pedestrians, bicyclists, and transit users on all State Highway Operation and Protection Program projects, as specified.

The bill would require the commission, in connection with the asset management plan, to adopt performance measures that include conditions of bicycle and pedestrian facilities, accessibility and safety for pedestrians, bicyclists, and transit users, and vehicle miles traveled on the state highway system. The bill would require that the State Highway Operation and Protection Program projects include capital improvements relative to accessibility for pedestrians, bicyclists, and transit users. The bill would require that each project include in its budget the cost of pedestrian and bicycle facilities. The bill would require that the plain language performance report developed by the department, in consultation with the commission, include a description of pedestrian and bicycle facilities on each project, including the number, extent, and cost of the elements relative to the overall project.

The bill would require the department, by January 1, 2020, when undertaking any capital improvement project on a state highway or a local street crossing a state highway that is funded through the State

Highway Operation and Protection Program, to include new pedestrian and bicycle facilities, or improve existing facilities, as part of the project, consistent with specified requirements. The bill would require the department to establish a project development team for each project, as specified. The bill would require, until January 1, 2020, or by which time the department can demonstrate that it has met these requirements, the department to use 3% of State Highway Operation and Protection Program funds from the Road Maintenance and Rehabilitation Account, if that account is created pursuant to legislation, for bicycle and pedestrian facilities.

This bill would also require that funds in the State Highway Account in the State Transportation Fund be programmed, budgeted, as specified, and expended to maximize the use of federal funds for accessibility improvements for all users of the transportation system, as specified, and that safety improvements prioritize reducing fatalities and severe injuries for vulnerable road users, and not increase vehicle miles traveled.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Walking and bicycling trips have doubled between 2000 and
- 4 2012 and constitute nearly 20 percent of all trips in California,
- 5 based on the National Household Travel Survey.
- 6 (b) People walking and bicycling are killed or seriously injured
- 7 in California at much higher rates than car drivers or passengers
- 8 based on the percentage of trips and relative miles traveled, due
- 9 to a lack of safe walking and bicycling infrastructure on major
- 10 roadways and highways in communities across the state.
- 11 (c) The Department of Transportation (Caltrans) adopted Deputy
- 12 Directive 64 in 2008 and updated it in 2014 to require the
- 13 department to consider complete streets in all phases of design,
- 14 delivery, construction, and rehabilitation on all projects.
- 15 (d) Caltrans adopted Strategic Management Plan 2015-2020,
- 16 which includes goals to triple bicycling and double walking by
- 17 2020, which cannot be achieved without significant improvements
- 18 to infrastructure and safety on major roadways and highways.

(e) The plan also includes goals to include “complete streets” improvements on an increasing number of projects between 2015 and 2020.

SEC. 2. Section 14007.3 is added to the Government Code, to read:

14007.3. (a) There is in the Department of Transportation the Division of Active Transportation, which is responsible for the development of projects and programs that increase bicycle and pedestrian safety and trips statewide, and the review of all state highway capital improvement projects for inclusion of bicycle and pedestrian facilities where feasible.

(b) An undersecretary of the agency shall be assigned to give attention to active transportation matters to guide progress toward meeting the department’s active transportation goals and objectives.

(c) The commission shall give high priority to increasing safety for pedestrians and bicyclists and to the implementation of bicycle and pedestrian facilities.

SEC. 3. Section 14033 is added to the Government Code, to read:

14033. On or before January 1, 2018, the department shall update the Highway Design Manual to incorporate the “complete streets” design concept, including, but not limited to, the following guidance for selection of bicycle facilities:

Functional classification [1]	Motor vehicle speed limit (typical)	Motor Traffic ADT	Role in bikeway network		
			Basic (bike ADT < 400)	Priority bikeway (bike ADT 200 - 1000)	Bicycle “superhighway” (bike ADT > 800/day)
Bike Path	N/A (30 MPH)	[2]	Class I bike path		
Alley	15 MPH [3]	500	Yield street/bike boulevard with sharrows; design for 20 MPH speeds, including chicanes, mini roundabouts, other traffic control devices to keep speeds low		
Local Street	< 25 MPH [4]	1,000 - 2000			
		2,000 - 3,500	Class II bike lanes		measures to reduce traffic to a target

					motor vehicle volume < 2,000 ADT or one-half of bike volume and implement local streets strategies presented above
		> 25 MPH		Class IV cycletracks	Class IV
Collector	One lane/direction	< 35 MPH	3,000 - 16,000	preferred, Class II bike lanes (buffed optional)	cycletracks preferred, parallel
	Two+ lanes	< 40 MPH	10,000 - 35,000	Class IV cycletrack preferred, buffered Class II bike lanes	Class I bike path, buffered Class II bike lanes
Arterial					parallel Class I bike path preferred, Class IV cycletracks
		Over 40 MPH	Irrelevant	Class IV cycletracks	dual parallel Class I bike paths preferred; Class IV cycletracks; "yield street," frontage roads
Expressway/Freeway		45-70 MPH		parallel Class I bike path(s) [7]	

SEC. 4. Section 14526.4 of the Government Code is amended to read:

14526.4. (a) The department, in consultation with the commission, shall prepare a robust asset management plan to guide selection of projects for the ~~state highway operation and protection program~~ *State Highway Operation and Protection Program* required by Section 14526.5. The asset management plan shall be consistent with any applicable state and federal ~~requirements~~ *requirements, and shall prescribe a process for community input and complete streets implementation to prioritize safety and accessibility for pedestrians, bicyclists, and transit users on all projects in the program, where applicable, pursuant to Section 14526.7.*

(b) The department may prepare the asset management plan in phases, with the first phase to be implemented with the 2016 state

1 highway operation and protection program, and the complete asset
2 management plan to be prepared no later than the 2020 state
3 highway operation and protection program.

4 (c) In connection with the asset management plan, the
5 commission shall do both of the following:

6 (1) Adopt targets and performance measures reflecting state
7 transportation goals and objectives. *Performance measures shall*
8 *include conditions of bicycle and pedestrian facilities, accessibility*
9 *and safety for pedestrians, bicyclists, and transit users, and vehicle*
10 *miles traveled on the state highway system. Automobile delay shall*
11 *not be used as a performance measure.*

12 (2) Review and approve the asset management plan, including
13 the final version of the first phase and the complete plan prepared
14 by the department pursuant to subdivision (b).

15 (d) As used in this section, “asset management plan” means a
16 document assessing the ~~health~~ and condition *and performance* of
17 the state highway system with which the department is able to
18 determine the most effective way to apply the state’s limited
19 resources.

20 SEC. 5. Section 14526.5 of the Government Code is amended
21 to read:

22 14526.5. (a) Based on the asset management plan prepared
23 and approved pursuant to Section 14526.4, the department shall
24 prepare a state highway operation and protection program for the
25 expenditure of transportation funds for major capital improvements
26 that are necessary to preserve and protect the state highway system.
27 Projects included in the program shall be limited to capital
28 improvements relative to the maintenance, safety, operation, ~~and~~
29 ~~rehabilitation~~ *rehabilitation, and accessibility for pedestrians,*
30 *bicyclists, and transit users* of state highways and bridges that do
31 not add a new traffic lane to the ~~system.~~ *system, including auxiliary*
32 *lanes, merging lanes, and toll lanes.*

33 (b) The program shall include projects that are expected to be
34 advertised prior to July 1 of the year following submission of the
35 program, but which have not yet been funded. The program shall
36 include those projects for which construction is to begin within
37 four fiscal years, starting July 1 of the year following the year the
38 program is submitted.

39 (c) The department, at a minimum, shall specify, for each project
40 in the state highway operation and protection program, the capital

1 and support ~~budget~~, *budget, including the cost of pedestrian and*
2 *bicycle facilities*, as well as a projected delivery date, for each of
3 the following project components:

4 (1) Completion of project approval and environmental
5 documents.

6 (2) Preparation of plans, specifications, and estimates.

7 (3) Acquisition of rights-of-way, including, but not limited to,
8 support activities.

9 (4) Start of construction.

10 (d) The program shall be submitted to the commission not later
11 than January 31 of each even-numbered year. Prior to submitting
12 the plan, the department shall make a draft of its proposed program
13 available to transportation planning agencies for review and
14 comment and shall include the comments in its submittal to the
15 commission.

16 (e) The commission may review the program relative to its
17 overall adequacy, consistency with the asset management plan
18 prepared and approved pursuant to Section 14526.4 and funding
19 priorities established in Section 167 of the Streets and Highways
20 Code, the level of annual funding needed to implement the
21 program, and the impact of those expenditures on the state
22 transportation improvement program. The commission shall adopt
23 the program and submit it to the Legislature and the Governor not
24 later than April 1 of each even-numbered year. The commission
25 may decline to adopt the program if the commission determines
26 that the program is not sufficiently consistent with the asset
27 management plan prepared and approved pursuant to Section
28 14526.4.

29 (f) Expenditures for these projects shall not be subject to
30 Sections 188 and 188.8 of the Streets and Highways Code.

31 SEC. 6. Section 14526.6 of the Government Code is amended
32 to read:

33 14526.6. (a) The department shall report to the commission
34 quarterly, for projects which complete construction in the previous
35 quarter, on the information outlined in subdivision (b) for all major
36 state highway operation and protection program projects, as defined
37 by the commission pursuant to subdivision (f) of Section 167 of
38 the Streets and Highways Code.

39 (b) The department shall report to the commission on the
40 approved capital and support budgets compared to expenditures

1 at contract construction acceptance for all projects included in
2 subdivision (a).

3 (c) The department shall develop, in consultation with the
4 commission, a plain language performance report to increase
5 transparency and accountability of the state highway operation
6 and protection program. *The plain language performance report*
7 *shall include a description of pedestrian and bicycle facilities on*
8 *each project, including the number, extent, and cost of the elements*
9 *relative to the overall project.*

10 SEC. 7. Section 14526.7 is added to the Government Code, to
11 read:

12 14526.7. (a) By January 1, 2020, except as provided in
13 subdivisions (b) and (c), the department, when undertaking any
14 capital improvement project on a state highway or a local street
15 crossing a state highway that is funded through the State Highway
16 Operation and Protection Program (SHOPP), shall include new
17 pedestrian and bicycle facilities, or improve existing facilities, as
18 part of the project, as follows:

19 (1) In urbanized areas, transit priority areas, or priority access
20 areas, and on streets and highways with average daily traffic of
21 10,000 vehicles or more and a speed limit over 25 miles per hour,
22 well-lit facilities for bicyclists and pedestrians shall be provided
23 that are physically separated from motor vehicles. Bicycle facilities
24 shall be designed based on Highway Design Manual guidance for
25 selection of bicycle facilities pursuant to Section 14033. In
26 addition, signals or other facilities shall be provided to enable
27 bicyclists and pedestrians to safely cross the street or highway.

28 (2) On streets or highways other than those described in
29 paragraph (1), facilities for pedestrians and bicyclists shall be
30 provided when feasible, and reduction of vehicle traffic lanes and
31 implementation of traffic calming improvements shall be
32 considered.

33 (3) The department shall establish a project development team
34 for each project, including representatives from the local
35 transportation agency, local bicycle and pedestrian advisory
36 committee, community-based organizations, residents of
37 low-income disadvantaged communities, and other local
38 stakeholders impacted by the project. The project development
39 team shall provide input to the department on identifying bicycle
40 and pedestrian facility and transit access needs on the project,

1 including improvements identified in a local bicycle, pedestrian,
2 active transportation, or safe routes to school plan adopted by the
3 local jurisdiction.

4 (b) This section does not apply to capital improvement projects
5 on street and highway facilities that are closed, by law, to use by
6 pedestrians, bicyclists, and other nonmotorized users.

7 (c) The department may exempt a capital improvement project
8 from the requirements of this section through documentation in
9 writing by the department's district director and supported by data,
10 after at least one public hearing in the jurisdiction most impacted
11 by the project, to demonstrate any of the following:

12 (1) The cost of accommodating the needs of the particular user
13 group for the transportation project would be excessively
14 disproportionate to the current or future need or probable use of
15 the facilities by the particular user group.

16 (2) There is a demonstrated absence of future need by the
17 particular user group, as determined by factors, including current
18 and future land use, current and projected user volumes, population
19 density, and crash data.

20 (3) The adverse impacts of accommodating the needs of the
21 particular user group significantly outweigh the benefits.

22 (d) Until January 1, 2020, or by which time the department can
23 demonstrate that it has met the requirements of subdivision (a), 3
24 percent of SHOPP funds from the Road Maintenance and
25 Rehabilitation Account, if that account is created pursuant to
26 legislation enacted in the 2017–18 Regular Session, shall be used
27 only for bicycle and pedestrian facilities.

28 (e) (1) As used in this section, "capital improvement project"
29 includes, but is not limited to, a reconstruction, rehabilitation, or
30 operational improvement project.

31 (2) As used in this section "priority access area" means an area
32 within one-half mile of a public school, community college,
33 university, hospital or health care center, senior center, employment
34 center, park, or grocery store.

35 (3) As used in this section, "transit priority area" means an area
36 within one-half mile of an existing major transit stop, or a planned
37 transit stop, if the planned stop is scheduled to be completed within
38 the planning horizon included in the interregional transportation
39 improvement program submitted pursuant to Section 14526 or a

1 regional transportation improvement program adopted and
2 submitted pursuant to Section 14527.

3 SEC. 8. Section 167 of the Streets and Highways Code is
4 amended to read:

5 167. (a) Funds in the State Highway Account in the State
6 Transportation Fund shall be programmed, budgeted subject to
7 Section 163, and expended to maximize the use of federal funds
8 and shall be based on the following sequence of priorities:

9 *(1) Accessibility improvements for all users of the transportation*
10 *system that improve the efficiency of moving people within existing*
11 *roadways, reduce vehicle miles traveled, and promote public*
12 *health.*

13 ~~(1)~~

14 (2) Operation, maintenance, and rehabilitation of the state
15 highway system.

16 ~~(2)~~

17 (3) Safety improvements where physical changes, other than
18 adding additional lanes, would reduce fatalities and the number
19 and severity of injuries. *Safety improvements shall prioritize*
20 *reducing fatalities and severe injuries for vulnerable road users,*
21 *and shall not increase vehicle miles traveled.*

22 ~~(3) Transportation capital improvements that expand capacity~~
23 ~~or reduce congestion, or do both.~~

24 (4) Environmental enhancement and mitigation programs.

25 *(5) Transportation capital improvements that expand capacity.*

26 (b) With respect to the funds in the State Highway Account, in
27 the Public Transportation Account, and in the Passenger Rail Bond
28 Fund, the proposed budget shall be organized on a program basis.
29 The proposed budget shall list the proposed expenditures for the
30 transportation program under the following program elements:

31 (1) Administration.

32 (2) Program development.

33 (3) Maintenance.

34 (4) State highway operation and protection.

35 (5) Local assistance.

36 (6) Interregional improvements.

37 (7) Regional improvements.

38 (8) Environmental enhancement and mitigation programs.

39 (c) State operations expenditure amounts of the department for
40 interregional and regional transportation improvement projects

1 shall be listed as required by subdivision (b) of Section 14529 of
2 the Government Code, but those amounts other than those for the
3 acquisition of rights-of-way, construction, and construction support
4 shall not be subject to allocation by the commission.

5 (d) To align the annual budget with the adopted state
6 transportation improvement program, the department may submit
7 to the Department of Finance revised capital outlay support and
8 capital outlay budget estimates as part of its May Revision process.
9 Budget proposals related to these changes shall be provided to the
10 Legislature no later than May 1.

11 (e) The budget shall not include specific appropriations for
12 specific transportation improvement projects, and the Legislature
13 shall not enact legislation containing specific individual
14 transportation projects.

15 (f) The basis for defining major and minor capital outlay projects
16 shall be established by the commission.

17 (g) The Legislative Analyst shall prepare an analysis of the
18 proposed expenditures for each program element as a part of the
19 budget analysis.

20 (h) The department shall submit to the Legislative Analyst, and
21 the Senate Committee on Budget and Fiscal Review and the
22 Assembly Committee on Budget, on an annual basis, supplemental
23 information to substantiate the department's proposed capital outlay
24 support budget. The information shall be provided no later than
25 May 1 of each year, and may be provided at an earlier date. The
26 information shall include, but not be limited to, the following:

27 (1) A list of projects for which the department will perform
28 capital outlay support work in the budget year. For each project,
29 the department shall include:

30 (A) The planned project support budget for support of
31 environmental, design, right-of-way, and construction phases.

32 (B) The planned capital costs, including construction capital
33 costs and right-of-way capital costs.

34 (C) The estimated or actual construction start date and
35 completion date.

36 (D) The name and year of the state transportation program in
37 which the project is programmed, if applicable.

38 (E) Total prior fiscal year expenditures for capital outlay support.

1 (F) The number of full-time equivalent positions requested to
2 perform support of environmental, design, right-of-way, and
3 construction work in the fiscal year of the budget request.

4 (G) Milestones of project work by phases that are planned to
5 be completed in the fiscal year of the budget request.

6 (H) The ratio of support to capital costs based on current
7 programming.

8 (2) The capital-to-support ratio for all projects completed in the
9 prior fiscal year in each program in each district.

10 (3) The current total number of authorized and vacant positions
11 in the capital outlay support program in headquarters and in each
12 district.

13 (4) A five-year projection of the department's staffing needs to
14 support the state's transportation capital programs and any
15 workload performed by the department related to federal or local
16 funding for highway capital projects.

17 (5) The average cost of a personnel-year equivalent in each
18 district based on the department's existing contracts for capital
19 outlay support work performed by a private company under
20 contract with the department. For each average cost, the department
21 shall provide a description of what factors are included in that cost.

22 (6) The average cost of a state staff personnel-year in the capital
23 outlay support program in each district and in headquarters. The
24 cost shall include the salary and wages, benefits, program overhead,
25 administrative overhead, and other associated costs. The
26 department shall provide a description of each component of the
27 average cost.

28 (7) A summary of expected capital outlay support workload for
29 the budget year that includes the following:

30 (A) The total full-time equivalents requested for each type of
31 the following activities: environmental, design, right-of-way, and
32 construction.

33 (B) The total full-time equivalents requested for each type of
34 project, including, but not limited to, the state transportation
35 improvement program, the state highway operation and protection
36 program, bond programs, regional and local agency partnership
37 workload, and any other program.

38 (8) The total number of projects with requested resources, as
39 well as the number of projects in which the department is limited
40 to an oversight role.

1 (9) The number of milestones scheduled, including
2 environmental, design, right-of-way, and construction deliverables,
3 as well as the number of projects expected to begin construction
4 and reach completion.

5 (10) A summary for the most recently completed fiscal year for
6 the following:

7 (A) Full-time equivalents and related funding expended,
8 including support of environmental, design, right-of-way, and
9 construction activities.

10 (B) Approved and filled positions as of the end of the fiscal
11 year.

O